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15 UNITED STATES BANKRUPTCY COURT  
16 EASTERN DISTRICT OF WASHINGTON

17 In Re:

18 GIGA WATT, INC., a Washington  
19 corporation,

20 Debtor.

21 MARK D. WALDRON, as Chapter 7  
22 Trustee,

23 Plaintiff,

24 vs.

25 PERKINS COIE, LLP, a Washington  
26 limited liability partnership; LOWELL  
NESS, individual and California resident;  
GIGA WATT PTE., LTD. a Singapore  
corporation; and ANDREY KUZENNY, a  
citizen of the Russian Federation;

Defendants

and

THE GIGA WATT PROJECT, a  
partnership,

Nominal defendant.

The Honorable Frederick P. Corbit  
Chapter: 7

No. 18-03197-FPC11

The Honorable Frederick P. Corbit

**CHAPTER 7**

Adv. Case No. 20-80031

**PERKINS COIE AND LOWELL  
NESS' MOTION TO EXTEND  
DEADLINE TO ADD PARTIES**

PERKINS COIE AND LOWELL NESS'  
MOTION TO EXTEND DEADLINE TO  
ADD PARTIES - 1

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## I. MOTION

The Defendants Perkins Coie, LLP and Lowell Ness (“Perkins”) hereby move the Court for an order extending the August 1, 2022, deadline for joining additional parties by 90 days. In further support of this motion, the Defendants state the following:

## II. BASIS

This Court has issued a case schedule under which August 1, 2022, is the deadline for joining additional parties. *See* ECF No. 95. In anticipation of this deadline, Perkins has drafted a motion requiring that Jun Dam, as class representative, be added as a necessary party to this action. Mr. Dam, and the class he purports to represent, have filed claims in the United States District Court for the Eastern District of Washington (Case No. 2:20-cv-00464-SAB) seeking to recover from Perkins the same damages, based on the same facts, which underlie the claims of the Trustee Mark D. Waldron (“Trustee”) in this matter. Having duplicate actions, asserting similar claims for the same damages, raises an obvious potential for inconsistent results, double recoveries, and duplicative proceedings for all concerned. Although this Court has ruled that three of the five class claims belong to the Trustee and has enjoined prosecution of the remaining two class claims pending resolution of the Trustee’s claims herein, the Class has appealed those rulings and, in any event, can

PERKINS COIE AND LOWELL NESS'  
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1 pursue duplicative claims against Perkins when the injunction expires. Accordingly,  
2 Perkins is concerned that something must be done to adjudicate all pending claims in  
3 one proceeding to obtain complete and final relief.

5 However, as the Court is aware, Perkins, the Trustee, and Mr. Dam have agreed  
6 to attend a mediation to see if all of the claims asserted against Perkins can be  
7 resolved. To avoid motion practice that may not be necessary, Perkins requests that  
8 the deadline for adding parties be extended by 90 days to see whether any progress is  
10 made in the mediation to be conducted by Judge Hursh.  
11

### 12                   **III. RELIEF REQUESTED**

13 Wherefore, for the foregoing reasons, Perkins respectfully requests the Court  
14 extend the August 1, 2022, deadline for joining additional parties by 90 days to  
15 October 31, 2022.  
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PERKINS COIE AND LOWELL NESS'  
MOTION TO EXTEND DEADLINE TO  
ADD PARTIES - 3

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1 DATED this 26th day of July, 2022.  
2

3 BYRNES KELLER CROMWELL LLP  
4

5 By /s/ Bradley S. Keller  
Bradley S. Keller, WSBA #10665  
6 By /s/ Ralph E. Cromwell, Jr.  
Ralph E. Cromwell, Jr., WSBA #11784  
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13

MUNDING, P.S.

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*Attorneys for Perkins Coie LLP and  
Lowell Ness*

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2                   **CERTIFICATE OF SERVICE**  
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7                   I hereby certify that on this 26th day of July, 2022, I electronically filed the  
8 foregoing with the Clerk of the Court using the CM/ECF System, which in turn  
9 automatically generated a Notice of Electronic Filing (NEF) to all parties in the case  
10 who are registered users of the CM/ECF system. The NEF for the foregoing  
11 specifically identifies recipients of electronic notice.  
12  
13

14                   By /s/ Ralph E. Cromwell, Jr.  
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PERKINS COIE AND LOWELL NESS'  
MOTION TO EXTEND DEADLINE TO  
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